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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,594	08/22/2003	Hiroshi Ohata	030984	9455

38834 7590 04/17/2006

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER	
CLEVELAND, MICHAEL B	

ART UNIT	PAPER NUMBER
1762	

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/645,594	OHATA ET AL.	
	Examiner	Art Unit	
	Michael Cleveland	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-10* is/are pending in the application.

4a) Of the above claim(s) *4-5, 6/4, 7-10* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2 and 6/2* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:.

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in the reply filed on 9/22/2005 is acknowledged.

2. Claims 4-5, 6/4, and 7-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/22/2005.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pichler et al. (U.S. Patent 6,949,389, hereafter '389).in view of Weaver (U.S. Patent 6,664,137, hereafter '137).

'389 teaches a protection film forming method of forming at least two layers of protection films (506, 508) for covering an electronic component (504) mounted on a surface of a substrate (502) comprising:

a film forming step where a mask having an opening corresponding to the electronic component mounted on the surface of a substrate is disposed apart from said substrate by a predetermined first distance (Fig. 5), and a film forming material is deposited through the opening of said mask onto said substrate and the electronic component as a first layer (506) of protection film; and

a film forming step where said mask is disposed apart from said substrate by a second distance longer than said first distance, and a film forming material is deposited through the opening of said mask onto said substrate and the electronic component as a second layer of protection film for covering beyond the first layer of protection film

wherein the steps are performed in turn, thereby at least forming the first layer of protection film for covering beyond the first layer of protection film (Fig. 5 and col. 6, line 53-col. 7, line 14).

'389 is discussed above, and further teaches more barrier layers or planarization layers may be used (Abstract, col. 8, lines 21-30, col. 8, lines 46-57), but does not explicitly teach that each layer cover successively more territory. '137 teaches that when providing protection for organic EL device with multiple planarization and barrier layers, improved protection is provided by making each layer extend beyond the previous layer to touch the underlying substrate (col. 2, lines 1-54, Figs. 6-7, col. 6, lines 53-61).

Claim 2: Deposition is through the mask. Accordingly, the mask must be between the source and the substrate. '389 does not suggest moving the position of the deposition mask relative to the substrate.

6. Claim 6/2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pichler '389 in view of Weaver '137, as applied to claim 2 above, and further in view of Antoniadis et al. (U.S. Patent 5,902,688, hereafter '688).

'389 is discussed above, but does not explicitly teach that crucibles for multiple materials are located in the same chamber, where each a shutter on each crucible is opened for the deposition step. However, Antoniadis '688 teaches that in constructing electroluminescent devices, using vacuum deposition of several consecutive layers without breaking the vacuum offers better reliability and economy of scale (col. 2, lines 50-63; col. 9, lines 15-38) and that this

process may be achieved by using multiple evaporation sources for each layer disposed in a single chamber (Fig. 10) with shutters (173) that open for each materials deposition (col. 9, lines 15-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a source for each film in the same chamber in order to have provided better reliability and economy of scale, and to have supplied them with shutters to have controlled the timing of each deposition for the reasons given by '688.

Response to Arguments

7. The objections to the specification are withdrawn in view of the amendments. Pichler '667 is withdrawn as a prior art reference in view of Applicant's perfection of foreign priority.

8. Applicant's arguments filed 2/1/2006 have been fully considered but they are not persuasive.

Applicant argues that col. 5, lines 7-12 (and Figure 1, which they describe) do not teach multiple barrier layers on the OLED. The argument is unconvincing because such teachings are present in Figs. 6-7 and col. 6, lines 53-61, as cited by the examiner in the prior office action.

Applicant argues that Antoniadis teaches away from the invention. The argument is unconvincing because failure to teach is not the statement of inoperability necessary required to rise to the level of a teaching away. Antoniadis is cited for its teachings of using several crucibles in a single chamber to offer better reliability and economy of scale. The fact that Antoniadis uses its mask in a different manner than Pichler does not disguise this advantage. Applicant is reminded that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

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Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cleveland whose telephone number is (571) 272-1418. The examiner can normally be reached on Monday-Thursday, 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Cleveland
Primary Examiner
Art Unit 1762

4/13/2006